



**US Army Corps
of Engineers®**
New England District

8 Carmichael St., Suite 205
Essex Jct., Vermont 05452

PUBLIC NOTICE

Date: September 4, 2001

Comment Period Ends: September 19, 2001

File Number: 199703080

In Reply Refer To: Marty Abair

Or by e-mail: Martha.a.abair@usace.army.mil

The Vermont Agency of Transportation Technical Services Division, ATTN: John Perkins, P.E., 133 State Street, Montpelier, Vermont 05633 has requested a Corps of Engineers permit under Section 404 of the Clean Water Act to place fill in waters of the United States in conjunction with the reconstruction of approximately 3.6 miles of VT Route 9 in Searsburg and Wilmington, Vermont. The basic project purpose is to reconstruct a portion of an existing state highway to comply with current safety and traffic design standards.

The project originally involved the rechannelization of about 1200 linear ft. of the Deerfield River, the construction of a new bridge over the Deerfield River, a new bridge over Bond Brook, a culverted crossing of Heather Brook, culverted crossings of several intermittent streams, and placement of fill in the Deerfield River, Harriman Reservoir and adjacent wetlands. Rechannelization of the Deerfield River would have impacted about 2.19 acres of the existing river bottom, and construction of the new channel would have created about 2.41 acres of bottom habitat. The work would have impacted an additional 2.53 acres of the Deerfield River [below Ordinary High Water (OHW)], 0.25 acre of other streams (below OHW), 1.55 acres of Harriman Reservoir (below OHW), and 3.33 acres of adjacent wetlands. A Public Notice for the original project was issued on January 4, 2000.

In response to comments received during the Public Notice, the applicant has modified the project. The currently proposed project will not involve any rechannelization of the Deerfield River. Two additional bridges will be constructed over the Deerfield River to accommodate the proposed highway alignment. In addition, as further minimization of the impacts of the project roadway embankments have been steepened in several locations. The rest of the project remains the same. The project as currently proposed will impact approximately 2.97 acres (below Ordinary High Water) of the Deerfield River, Bond Brook, Heather Brook, Harriman Reservoir, and several intermittent streams, and 2.38 acres of adjacent wetlands. Proposed mitigation for the unavoidable impacts of the project remains as originally proposed.

The eastern end of the project site is located on the Readsboro, VT USGS quadrangle sheet at UTM coordinates N 4748558.0 and E 671454.0. The western end of the project site is located on the Mt. Snow, VT USGS quadrangle sheet at UTM coordinates N 4749638.0 and E 667493.0. The proposed mitigation site is located on the Mt. Snow, VT USGS quadrangle sheet at UTM coordinates N 4753224.0 and E 673221.0.

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. Comments should be submitted in writing by the above date. If you have any questions, please contact Marty Abair at our Vermont Project Office at (802) 872-2893.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

**SEE NEXT PAGE FOR
DETAILS OF EVALUATION
FACTORS**

**David H. Killoy, P.E., C.P.G.
Chief, Permits & Enforcement Branch
Regulatory Division**

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity in the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

Based on his initial review, the District Engineer has determined that the proposed work may impinge upon properties listed in, or eligible for listing in, the National Register of Historic Places. Further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, will be necessary.

Pursuant to the Endangered Species Act, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice.

The following authorizations have been applied for, or have been, or will be obtained:

- ☒ (X) Permit, License or Assent from State of Vermont.
- ☐ () Permit from Local Wetland Agency or Conservation Commission.
- ☒ (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved Coastal Zone Management Programs. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

If you would prefer not to continue receiving public notices, please check here ☐ () and return this portion of the public notice to: U.S. Army Corps of Engineers – New England District,
ATTN: Regulatory Branch, 696 Virginia Road, Concord, MA 01742-2751.

NAME:

ADDRESS: